

- Rule 45(b)(1), because the subpoenas were not delivered to the named persons;
- Local Civ. Rule 45(E), because the subpoenas were not serve 14 days before trial;
- Fed. R. Civ. P. 45(b)(4) and Local Civ. Rule 45(C), because the Respondent did not file proof of service; and
- Rule 45(b), because the subpoenas did not include witness fees.

The Court granted the Petitioners' motion to quash the subpoenas pursuant to Fed. R. Civ. P. 45, finding that Respondent had "waste[d] this court's time as well as that of petitioner's" by issuing "patently invalid" and "frivolously issued" subpoenas. (*See* Order dated January 17, 2002, Document 12.) The Court found that these legal fees should be awarded, and allowed Respondent to submit a memorandum on the reasonableness of counsel fees within 14 days. (*Id.*) Respondent failed to file any such memorandum.

On March 26, 2012, this Court entered an Order finding that respondent failed to submit a response to its prior order, and awarded \$9,545.00 in fees, "which respondent shall pay to petitioner's counsel within 21 days." (*See* Order dated March 26, 2012, Document 13.)

As of the date of filing this motion, Respondent has not paid the fees. In fact, the only thing that Respondent has done was to mail and not properly file a "Motion for Clarification" to judge's chambers. The motion falsely asserted it was a *pro se* motion and was signed by Mr. Font who is not a member of this Bar (as he had done with the subpoenas). The Petitioners incurred the expense of filing an opposition/reply. The Hon. Thomas Rawles Jones, Jr. issued a letter stating that no motion had been filed and therefore there was nothing for the court to rule upon.

I. ARGUMENT

The Petitioners ask this Court to issue a rule to show cause why the Respondent and his counsel should not be held in contempt. The rule should require Respondent and his counsel to personally appear and to pay the sanctions imposed by the March 26 Order, plus interest, as well as additional sanctions for violation of the March 26 Order, and for Petitioners' expenses and fees in having to file this motion to enforce the Order and oppose the bogus "*pro se*" mailing (*see* Document 14, filed April 27, 2012). Respondent and his counsel continue to flagrantly violate the Federal Rules of Civil Procedure and have defied the Orders of this Court.

DATED: May 10, 2012

Respectfully submitted,

PETITIONERS

By Counsel

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of May, 2012, I filed the foregoing with the Clerk of Court and the foregoing was served by U.S. mail, postage pre-paid, to the following counsel of record:

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